

REMARKS

Claims 1-33 and 40-42 are in the application.

Claims 25, 40 and 41 are amended and claims 42-47 are new.

Claims 1-24 are allowed, confirming patentability of the claims in US 6,326,962.

INTERVIEW SUMMARY

Applicant's undersigned attorney conducted a telephone interview with the Examiner on October 5, 2006. During this interview, the amended and new claims were presented and discussed, including how claims 25, 43 and 45 are believed to distinguish the primary reference based on at least the "receiving" step. Given the short notice for the Interview, agreement was neither sought nor reached on the patentability of the claims.

The statutory subject matter rejection of claim 33 was discussed, and the Examiner proposed amendments as presented herein to ensure that the claim is limited to a tangible recording medium.

ART REJECTIONS

Claims 25-33 are rejected as being anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103 over Kolton et al.

Claim 25 is amended to recite the step of "receiving from the user, through a graphic user interface, a graphic manipulation of at least one quantitative graphic representation of an output arrangement criterion". This amendment makes clear that the input is a graphic manipulation, and not simply a keyboard input which happens to display on a GUI. It is noted that Kolton et al. do not teach or suggest that the input user itself is a graphic representation, and therefore it is not believed that this amendment is required for patentability. Likewise, it is not clear that elements output through the interface of Kolton et al. are arranged relative to each other in

dependence on the output arrangement criterion. Kolton et al. provides a GUI interface system in which parameters are entered by keyboard to define quantitative inputs, but only binary options or item selections are made through the graphic user interface pointing device (mouse). Thus, while the field on the window is itself selected by a mouse, Col. 6, lines 6-8, 39-40, 65-67, Col. 7, lines 21-30; Col. 8, lines 32-35, 51-53, 60-65; and Col. 9, lines 3-5, the quantitative input is not. Therefore, Kolton et al. does not teach or suggest the graphic manipulation of the graphic representation of an output criterion.

New claims 43 and 45 are variations on claim 25, in which the use of the graphic user interface is defined differently.

Claims 26-33 are believed patentable for at least the same reasons as claim 25.

Claim 33 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 33 has been amended to recite inter alia that the computer readable medium is “tangible”, which is believed to clearly render the claim as statutory patentable subject matter.

Claim 40 is rejected under 35 U.S.C. § 103 as being obvious over Kolton et al. in view of Tanimizu et al. Claim 40 is amended to define the “graphic representation” as a predefined icon. This distinguishes Tanimizu et al., which provides a free-form (ad hoc) user graphic (bitmap) input, which is therefore distinct from a predefined icon. Therefore, claims 40-41 are believed patentable.

New claim 42 represents prior claim 41 (in simplified form but identical scope), which was deemed patentable by the examiner prior to amendment of claim 40.

New claims 44, 46, and 47 adopt the “plurality of ... representations” from claim former claim 41 as dependent limitations for each of claims 25, 43 and 45.

It is respectfully submitted that the application is now in form for allowance.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Steven M. Hoffberg". The signature is fluid and cursive, with the first name "Steven" and last name "Hoffberg" being more legible than the middle initial "M".

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